

PATENT  
Attorney Docket No.: 054468-5005 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Shila JALALI *et al.* )

Application No.: 09/724,909 )

Group Art Unit: 1743

Filed: November 28, 2000 )

Examiner: John S. STARSIAK

For: **MICROSTRUCTURE APPARATUS AND** )  
**METHOD FOR SEPARATING DIFFERENTLY** )  
**CHARGED MOLECULES USING AN** )  
**APPLIED ELECTRIC FIELD** )

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

**REVOCATION OF POWER OF ATTORNEY AND  
GRANT OF NEW POWER OF ATTORNEY BY ASSIGNEE**

Pursuant to 37 C.F.R. 1.36, **NANOGEN, INCORPORATED**, the Assignee of the above-identified application by an Assignment recorded with the U.S. Patent Office at Reel 011377, Frame 0035 (copy attached), through its duly-appointed representative, hereby revokes all previous powers of attorney in the above application and hereby grants power of attorney to all registered practitioners included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and directs that all correspondence be addressed to that Customer Number.

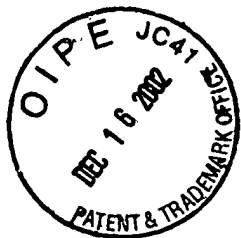
**Customer Number: 09629**

Please direct all inquiries to:

Bonnie Weiss McLeod, Ph.D., Esq.  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
202-739-3000

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Certificate under 37 C.F.R. 3.73(b)

NANOGEN, INCORPORATED certifies that it is the assignee of the entire right, title and interest in the patent application identified above. An assignment from the inventors of the patent application identified above was recorded as indicated above. To the best of the undersigned's knowledge and belief, title is in the assignee identified above. The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001. Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted  
**NANOGEN, INCORPORATED**

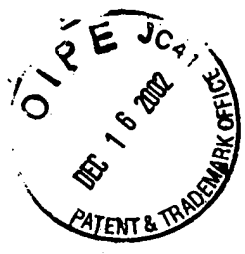
Dated: 12/9/02

By:

*My A. Stubb*

Title:

*Sen. Dir. IP*



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\*101570698A\*

MARCH 09, 2001

PTAS

LYON & LYON LLP  
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LOS ANGELES, CA 90071-2066

257/118

UNITED STATES PATENT AND TRADEMARK OFFICE  
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/28/2000

REEL/FRAME: 011377/0035  
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS)

ASSIGNOR:  
JALALI, SHILA

DOC DATE: 11/16/2000

ASSIGNOR:  
HARPER, ALAN

DOC DATE: 11/16/2000

ASSIGNOR:  
SIMPSON, MATT

DOC DATE: 11/16/2000

ASSIGNOR:  
SWANSON, PAUL

DOC DATE: 11/16/2000

ASSIGNOR:  
HAVENS, JOHN

DOC DATE: 11/16/2000

ASSIGNEE:  
NANOGEN, INC.  
10398 PACIFIC CENTER COURT  
SAN DIEGO, CALIFORNIA 92121

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011377/0035 PAGE 2

SERIAL NUMBER: 09724909  
PATENT NUMBER:

FILING DATE:  
ISSUE DATE:

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

01-03-2001

U.S. DEPARTMENT OF  
COMMERCE  
Patent and Trademark Office

Docket No. 257/118

101570698

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  
Shila Jalali, Alan Harper, Matt Simpson, Paul Swanson and John Havens  
Additional name(s) of conveying party(ies) attached?  
☐ Yes ☒ No

2. Name and address of receiving party:  
Name: Nanogen, Inc.  
Internal Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Street Address: 10398 Pacific Center Court  
City: San Diego State: CA Zip: 92121  
Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:  
☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_  
Execution Date: November 16, 2000

4. Application number(s) or patent number(s):  
If this document is being filed together with a new application, the execution date of the application is: November 28, 2000

A. Patent Application No(s):

B. Patent No(s): 9724909

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:  
Name: David B. Murphy or Patrick S. Eagleman  
Internal Address: LYON & LYON LLP  
633 West Fifth Street, Suite 4700  
Los Angeles, CA 90071-2066

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00  
☐ Enclosed  
☒ Charge this Deposit Account if any additional fee is required

8. Deposit Account Number: 12-2475

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9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Patrick S. Eagleman, Reg. No. 44,665

Date: November 28, 2000

Total number of pages including cover sheet: 6

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ASSIGNMENT OF PATENT APPLICATION

WHEREAS, WE, **SHILA JALALI**, a citizen of the UNITED STATES; **ALAN HARPER**, a citizen of the UNITED STATES; **MATT SIMPSON**, a citizen of the UNITED STATES, **PAUL SWANSON**, a citizen of the UNITED STATES; and **JOHN HAVENS**, a citizen of the UNITED STATES (hereinafter referred to as "ASSIGNORS"), have invented a certain invention entitled **MICROSTRUCTURE APPARATUS AND METHOD FOR SEPARATING DIFFERENTLY CHARGED MOLECULES USING AN APPLIED ELECTRIC FIELD** for which application for Letters Patent of the United States of America has been executed on even date herewith; and

WHEREAS, **NANOGEN, INC.**, a corporation organized and existing under and by virtue of the laws of the State of **Delaware** and having its place of business at **10398 Pacific Center Court, San Diego, California 92121** (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal,

substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

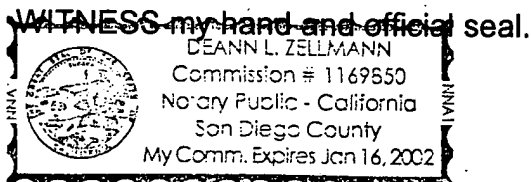
WITNESS my hand at San Diego, California, this 16 day of November, 2000.

Shila Jalali  
SHILA JALALI

STATE OF CALIFORNIA       )  
  ) ss  
COUNTY OF SAN DIEGO    )

On 11/16/00 before me, DEANN L. ZELLMANN, personally appeared  
SHILA JALALI

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Deann L. Zellmann  
Notary Public in and for said County and State

WITNESS my hand at San Diego, California, this 16 day of NOVEMBER, 2000.

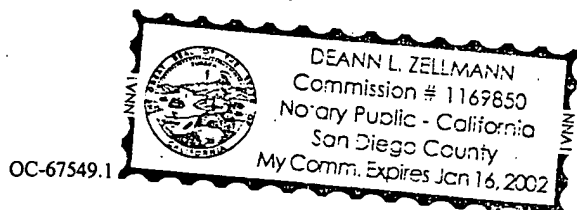
Alan Harper  
ALAN HARPER

STATE OF CALIFORNIA       )  
  ) ss  
COUNTY OF SAN DIEGO    )

On 11/16/00 before me, DEANN L. ZELLMANN, personally appeared  
ALAN HARPER

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Deann L. Zellmann  
Notary Public in and for said County and State



WITNESS my hand at San Diego, California, this 16<sup>th</sup> day of November, 2000.

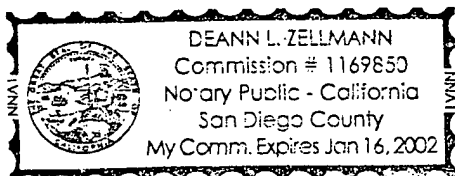
Matt Simpson  
MATT SIMPSON

STATE OF CALIFORNIA           )  
  ) ss  
COUNTY OF SAN DIEGO       )

On 11/16/00 before me, DEANN L. ZELLMANN, personally appeared  
MATT SIMPSON

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Deann L. Zellmann  
Notary Public in and for said County and State

WITNESS my hand at San Diego, California, this 16<sup>th</sup> day of November, 2000.

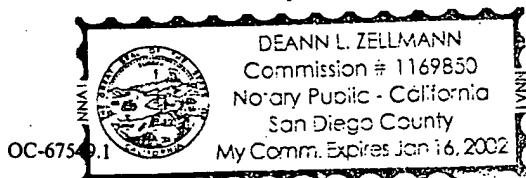
Paul Swanson  
PAUL SWANSON

STATE OF CALIFORNIA           )  
  ) ss  
COUNTY OF SAN DIEGO       )

On 11/16/00 before me, DEANN L. ZELLMANN, personally appeared  
PAUL SWANSON

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WITNESS my hand and official seal.



Deann L. Zellmann  
Notary Public in and for said County and State

WITNESS my hand at San Diego, California, this 15<sup>th</sup> day of Nov., 2000.

John Havens  
JOHN HAVENS

STATE OF CALIFORNIA     )  
  ) ss  
COUNTY OF SAN DIEGO    )

On 11/14/00 before me, DEANN L. ZELLMANN, personally appeared  
JOHN HAVENS

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Deann L. Zellmann  
Notary Public in and for said County and  
State